

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 533 Arthur G. Dozier School for Boys  
**SPONSOR(S):** Government Operations Subcommittee; Narain and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** CS/SB 708

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N, As CS	Moore	Williamson
2) Appropriations Committee			
3) State Affairs Committee			

### SUMMARY ANALYSIS

The Arthur G. Dozier School for Boys (Dozier School or school) was a reform school located in the panhandle town of Marianna that was operated by the state from January 1, 1900, to June 30, 2011. In recent years, men have come forward to tell stories of repeated physical abuse they were subjected to by staff members as a form of discipline. These men believe there may have been fellow students who died from the abuse and were buried at the school's cemetery.

In 2012, researchers from the University of South Florida began an investigation to determine the location of missing children buried at the school in order to excavate and repatriate the remains to their families. In January 2016, the researchers issued a report of their findings. The researchers analyzed historical records and determined that nearly 100 boys aged 6 to 18 died at the school between 1900 and 1973. During the investigation, the researchers excavated 55 graves and discovered 51 sets of human remains on the school grounds, only 13 of which were located in the school's cemetery. The researchers made 7 positive identifications and 14 presumptive identifications of the remains they discovered.

The bill requires any historical resource, record, archive, or artifact and any human remains that are recovered from Dozier School to be transferred to the Department of State (DOS) and directs DOS to retain and preserve such items.

The bill also directs DOS to reimburse the next of kin or pay directly to the provider up to \$7,500 for funeral, reinterment, and grave marker expenses for each child whose body was buried and exhumed at Dozier School. DOS must identify and locate eligible next of kin of such children by December 31, 2017.

The bill establishes a task force under DOS to make recommendations to DOS regarding the creation and maintenance of a memorial and the location of a site for the reinterment of unidentified or unclaimed remains.

For fiscal year 2016-17, the bill appropriates \$500,000 in nonrecurring funds from the General Revenue Fund to DOS to implement the bill's requirements. The bill does not appear to have a fiscal impact on local governments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

###### Arthur G. Dozier School for Boys

The Arthur G. Dozier School for Boys (Dozier School or school) was a reform school located in the panhandle town of Marianna that was operated by the state from January 1, 1900, to June 30, 2011. The school was created by the Florida Legislature in 1897 to provide a place “where young offenders against the laws of our state might be separated from older more vicious associates.”<sup>1</sup> Children were initially committed to the school for criminal offenses, but the law was later amended to identify minor offenses, such as “incurability,” “truancy,” or “dependency” as reasons for a child to be sent there.<sup>2</sup> In the 1900s, hundreds of boys were sent to the school.

In recent years, men have come forward to tell stories of repeated physical abuse they were subjected to by staff members as a form of discipline.<sup>3</sup> These men believe there may have been fellow students who died from the abuse and were buried at the school’s cemetery.<sup>4</sup> As a result of these allegations, in 2008, former Governor Charlie Crist directed the Florida Department of Law Enforcement (FDLE) to investigate 32 unmarked graves located on property surrounding Dozier School. FDLE reviewed and analyzed public records and official documents and identified 31 individuals who were purportedly buried at the school’s cemetery.<sup>5</sup> FDLE was also directed to determine whether any crimes were committed, and if so, the perpetrators of those crimes.<sup>6</sup> FDLE interviewed former students and former school staff, but concluded it could not find enough evidence to support the accusations.<sup>7</sup>

In 2012, researchers from the University of South Florida began an investigation to determine the location of missing children buried at the school in order to excavate and repatriate the remains to their families.<sup>8</sup> In January 2016, the researchers issued a report of their findings. The researchers analyzed historical records and determined that nearly 100 boys aged 6 to 18 died at the school between 1900 and 1973.<sup>9</sup> During the investigation, the researchers excavated 55 graves and discovered 51 sets of human remains on the school grounds, only 13 of which were located in the school’s cemetery.<sup>10</sup> The researchers made 7 positive identifications and 14 presumptive identifications of the remains they discovered.<sup>11</sup>

###### Department of State

The Department of State (DOS) has a variety of responsibilities, including collecting and preserving official state records and historically significant records, promoting arts and culture in the state, and facilitating cultural development and services in the state. The Division of Historical Resources, which is administratively housed within DOS, is responsible for preserving and promoting Florida’s historical, archaeological, and folk culture resources.

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<sup>1</sup> FDLE Office of Executive Investigations, *Arthur G. Dozier School for Boys Abuse Investigation*, Case No. EI-04-0005 (Jan. 29, 2010), available at <http://thewhitehouseboys.com/abusereport.pdf> [hereinafter FDLE Abuse Report].

<sup>2</sup> Erin Kimmerle, E. Christian Wells, & Antoinette Jackson, Florida Institute for Forensic Anthropology & Applied Sciences, *Report on the Investigation into the Deaths and Burials at the Former Arthur G. Dozier School for Boys in Marianna, Florida*, January 2016, available at <http://news.usf.edu/article/articlefiles/7173-usf-final-dozier-summary-2016.pdf>.

<sup>3</sup> FDLE Office of Executive Investigations, *Arthur G. Dozier School for Boys: Marianna, Florida*, Case No. EI-73-8455 (May 14, 2009), p.1, available at <http://www.tampabay.com/specials/2009/reports/marianna/Dozier-summary.pdf>.

<sup>4</sup> *Id.* at 1.

<sup>5</sup> *Id.* at 18.

<sup>6</sup> FDLE Abuse Report, *supra* note 1, at 1.

<sup>7</sup> *See id.* at 13.

<sup>8</sup> Kimmerle, *supra* note 2, at 12.

<sup>9</sup> *Id.* at 14.

<sup>10</sup> *Id.* at 12.

<sup>11</sup> *Id.*

### Advisory Bodies

Section 20.052, F.S., provides that an advisory body created by specific statutory enactment as an adjunct to an executive agency must be established, evaluated, or maintained in accordance with certain requirements. An advisory body may be created only when it is found to be necessary and beneficial to the furtherance of a public purpose,<sup>12</sup> and it must be terminated by the Legislature when it is no longer necessary and beneficial to the furtherance of the public purpose.<sup>13</sup> The private citizen members of an advisory body that is adjunct to an executive agency must be appointed by the Governor, the head of the department, the executive director of the department, or a Cabinet officer.<sup>14</sup>

### **Effect of Proposed Changes**

The bill requires any historical resource, record, archive, or artifact and any human remains that are recovered from Dozier School to be transferred to DOS and directs DOS to retain and preserve such items.

The bill also directs DOS to reimburse the next of kin or pay directly to the provider up to \$7,500 for funeral, reinterment, and grave marker expenses for each child whose body was buried and exhumed at Dozier School. DOS must identify and locate eligible next of kin of such children by December 31, 2017. To receive reimbursement, the next of kin must submit receipts for or documentation of expenses to DOS. If expenses are to be paid directly to the provider, the funeral home or other similar entity must submit an invoice to DOS. Reimbursements and payments must be made pursuant to s. 215.422, F.S.<sup>15</sup> A charitable donation made toward funeral, reinterment, or grave marker expenses is not eligible for reimbursement. DOS must report to the Legislature on the status of payments and reimbursements by February 1, 2018.

The bill establishes a task force under DOS to make recommendations to DOS regarding the creation and maintenance of a memorial and the location of a site for the reinterment of unidentified or unclaimed remains. The Secretary of DOS must appoint the task force members, who must serve without compensation, but are entitled to reimbursement for per diem and travel expenses. The task force must submit its recommendations to DOS by October 1, 2016, at which time the task force will be abolished.

The bill authorizes DOS to adopt rules necessary to administer the bill's requirements.

For fiscal year 2016-17, the bill appropriates \$500,000 in nonrecurring funds from the General Revenue Fund to DOS to implement the bill's requirements.

### **B. SECTION DIRECTORY:**

Section 1 creates an unnumbered section of law relating to compensation for families with children buried at Dozier School.

Section 2 provides an appropriation.

Section 3 provides an effective date of upon becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

The bill does not appear to have an impact on state government revenues.

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<sup>12</sup> Section 20.052(1), F.S.

<sup>13</sup> Section 20.052(2), F.S.

<sup>14</sup> Section 20.052(5)(a), F.S.

<sup>15</sup> Section 215.422, F.S., outlines the process for payment of invoices submitted to a state agency, which must be filed with the Chief Financial Officer and paid within a specified time.

2. Expenditures:

The bill appropriates \$500,000 in nonrecurring funds from the General Revenue Fund to DOS for the purpose of providing funds to the next of kin of children buried at Dozier School so the bodies may be reinterred.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have an impact on local government revenues.

2. Expenditures:

The bill does not appear to have an impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes DOS to adopt rules to administer the bill's requirements.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 26, 2016, the Government Operations Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Increased the maximum amount of money that may be paid for funeral, reinterment, and grave marker expenses to the next of kin of each child who was buried at the school from \$5,000 to \$7,500;
- Required the next of kin to submit receipts to DOS to receive reimbursement;
- Authorized DOS to pay a funeral home or other similar entity directly upon receipt of an invoice;
- Required DOS to identify and locate eligible next of kin by December 31, 2017, instead of within six months of the bill's effective date;
- Required DOS to report to the Legislature on the status of payments and reimbursements;
- Established a task force to make recommendations to DOS regarding the creation of a memorial and the location of a site for the reinterment of unidentified or unclaimed remains; and
- Reduced the amount of funds appropriated to DOS from \$1.5 million to \$500,000.

This analysis drafted to the committee substitute as approved by the Government Operations Subcommittee.